

(approved January 11, 2001)

**BOARD OF BEHAVIORAL SCIENCES
LICENSING / EDUCATION / LEGISLATION COMMITTEE
MEETING MINUTES**

NOVEMBER 9, 2000

**AIRTEL PLAZA AND CONFERENCE CENTER
7277 VALJEAN AVENUE
VAN NUYS, CA**

MEMBERS PRESENT

Selma Fields, MFT Member, Chair
Christina Chen, Public Member
Virginia Laurence, LCSW Member
Howard Stein, Public Member

MEMBERS ABSENT

Karen Pines, MFT Member

STAFF PRESENT

Sherry Mehl, Executive Officer
LaVonne Powell, Legal Counsel
Julie McAuliffe, Administrative Analyst

GUEST LIST ON FILE

The meeting was called to order at 11:10 a.m.

1. APPROVAL OF MINUTES

CHRISTINA CHEN MOVED, VIRGINIA LAURENCE SECONDED, AND THE COMMITTEE CONCURRED TO RECOMMEND APPROVAL OF THE AUGUST 24, 2000 LICENSING/EDUCATION/LEGISLATION COMMITTEE MINUTES.

2. DISCUSSION AND POSSIBLE ACTION REGARDING DISTANCE LEARNING PROGRAMS

Ms. Mehl stated that at the August meeting the Committee reviewed the survey that was sent to all marriage and family therapist approved schools requesting information on their offering of coursework in distance learning. The survey results were included in the meeting materials. 76 surveys were sent and 69 were received. The schools comments were also included in the meeting materials. The consensus of the majority of schools is that they are not interested in offering distance learning. Ms. Mehl then indicated that she attended the American Association of Marriage and Family Therapists Regulatory Boards (AAMFTRB) conference and there was some discussion of distance learning. Her understanding is that the accrediting body COAMFT accredits marriage and family therapist schools nationally and they do not accept any distance learning. Other discussion at AAMFTRB revolved around the definitions of synchronized – meaning real time or a- synchronized –

meaning not real time in regard to distance learning. There seemed to be a consensus within this discussion that distance learning needs to be real time.

Ms. Fields stated that the presentation the Board received from Long Beach State University in May regarding their distance learning program was very interesting and demonstrated a great deal of real time interaction. Her sense is that at this point the Board will continue to watch this issue as it expands.

3. PROPOSED AMENDMENTS TO THE BUSINESS AND PROFESSIONS CODE SECTION 4996.21

Ms. Mehl explained that this issue has been discussed at prior meetings and at the August meeting the Committee requested that the draft amendments to the Supervised Post- Master's Experience Criteria section of law for associate clinical social workers be distributed to several professionals within the social work community for comments. This section of law continues to be an area of confusion for associates as well as supervisors. The specific confusion relates to the understanding of psychotherapy hours and the one to ten ratio of additional supervision needed. Additionally, some social work professionals misinterpreted the draft to mean that associate clinical social workers would need 750 hours of personal psychotherapy. Staff received numerous social work community comments and they were compiled and added to the draft that was included in the meeting materials. Ms. Mehl reviewed the amendments as follows:

subsection (a) - the amendment "All persons registered on" was added to clarify that these new requirements would only apply to people who registered with the Board on or after January 1, 1999.

subsection (a) (1) – a comment from the social work community suggested that the word "clinical" be added before the word "psychotherapy."

subsection (a) (3) – a comment from the National Association of Social Workers suggested that the word "clinical" be added before the word "hours", "individual or group" be added before the word "psychotherapy", and the words "provided to clients in the context of clinical social work services" be added after the word "psychotherapy". Ms. Mehl indicated that this language might be helpful to alleviate some confusion regarding whether the psychotherapy performed must be in an individual or group setting.

subsection (a) (4) – staff suggested that the words "experience shall have been gained in not less than two nor more than six years" be stricken and replaced with "experience shall have been gained in a period of not less than 104 weeks". Ms. Mehl explained that numerous applicants submit their application for licensure without the 104 week experience requirement.

subsection (b) (3) – this subsection was amended to add "A registrant" after the word "claimed", strike out "and include", and add "shall receive an average of". This averaging of the additional hour of supervision needed for client contact is less confusing than requiring one hour of direct supervisor contact for every ten hours of client contact. This averaging allows flexibility to average the supervision over the life of the setting. This formula is used to calculate marriage and family interns experience and has proved to be quite accurate. Also, there was a suggestion that the ten hours of client contact be increased to fifteen hours. Additionally, this subsection was amended to strike out "client contact" and replace with "face to face psychotherapy performed" as there has been confusion regarding what experience would mandate the additional hour of supervision. Lastly, this subsection was amended to include "supervision may count toward the experience requirements for licensure."

Subsection (f) was added to say “Notwithstanding any other provision of law or regulation, registrants and applicants for examination must receive a minimum of one hour of supervision per week”. Ms. Mehl explained that unlicensed people are under the impression that once they are in the examination process, they no longer need to be supervised. Ms. Mehl clarified that all unlicensed people need to continue to receive one hour of supervision per week until licensed.

Ms. Fields and Dr. Stein questioned the 104-week requirement. Ms. Mehl explained that an experience verification form is filled out by each supervisor for each setting. This form asks for the time period the applicant was under supervision and how many hours of supervision they received. Ms. Mehl stated that if an application was in a setting for 12 weeks, they need at least 1 hour of supervision per week, and that would equal 12 hours of supervision. An additional hour would be needed after the applicant had seen 10 or more clients. Ms. Fields and Dr. Stein thought that an applicant could work for 12 weeks in a setting and obtain all of the required supervision for that setting in the same week. Ms. Mehl again explained that an applicant needs to have at least one hour of supervision each week, and therefore could not obtain all of the required supervision in the same week. Dr. Stein thought that subsection (b) (3) should be re-written. Ms. Mehl explained that it is very difficult to make this clear and the attempt was to make it clearer than it was. The concept is that associate clinical social workers (ASW) need one hour of supervision each week that they are working. Not all of the hours of the experience in a week meets the need for the additional hour of supervision. The concept is that we want them to have supervision but it is not necessary that they have the additional hour of supervision for non-direct psychotherapy services they are performing, such as research or evaluation. If they are performing direct psychotherapy services, we want them to have at least one hour of supervision per week. The problem is that an ASW sees ten clients in one week. Do they need one hour or two hours of supervision for that week of experience? The interpretation of the law is that they only need one hour. The need for the additional hour of supervision is uncertain because if an ASW sees ten clients in one week and receives an hour of supervision for that week, then sees another five clients the next week, does the ASW need two hours because they have accumulated the 1-10 ratio requirement? That is why the word “average” was added to subsection (b) (3) because it allows the supervisor and ASW the flexibility to ensure that the ASW is receiving the additional supervision as needed over the life of the setting.

Dr. Stein suggested that the law be very clear in regard to the number of hours of experience and supervision the Board determines is needed by ASW's.

Geraldine Esposito, Executive Director of the Clinical Society for Social Work, asked that the Board not increase the need for the additional hour of supervision from ten clients to fifteen clients. She indicated that this increase would be difficult for supervisors to adequately review all of these clients' cases in the one-hour supervision period of time.

Mary Riemersma, Executive Director of the California Association of Marriage and Family Therapists, suggested that conjoint or family counseling be added to subsection (a) (1). She indicated that the Committee should continue with the 10-1 ratio instead of increasing it to 15 and stated that the averaging of supervision hours has been used to equate the total hours of supervision received by marriage and family therapist interns (IMF) and is calculated over the life of the setting. This averaging has alleviated the struggle to calculate the number of clients and the amount of supervision required. She then suggested that “per setting” be added at the end of subsection (f).

Dr. Stein again stated that the law needs to restrict ASW's from gaining all of their supervision in one week at one time. He suggested that subsection (a) (3) include language to state for every ten hours of face to face

psychotherapy, a registrant shall have one hour of direct supervision and then state that a registrant shall have not less than fifty-two hours per annum.

Ms. Mehl stated that a weekly log of hours form may need to be created to assist in the calculation of the total hours accumulated per the life of the setting and the supervision obtained under each supervisor.

Ms. Fields stated that the Committee is struggling with clarity of language. The Committee wants to ensure that ASW's receive ongoing supervision and receive at least one hour of supervision per week. They then want to increase the amount of supervision received by one hour after contact with a certain amount of clients. She indicated that the word "for" in subsection (a) (3) might be a problem. Ms. Mehl suggested that the word "for" be replaced with "after."

Linda Howard representing Community Service Program stated that averaging is critical. She said that the supervision cannot all be earned in one week because the law specifically stated that an ASW or IMF must have one hour of supervision per week. She feels that supervision is cumulative and includes skill building and is not just necessarily centered on the clients. She indicated that what is felt with one client may be transferable to the next client. Since supervision is cumulative, the hours should also be cumulative. Supervision schedules are planned in advance and it is necessary to be able to have flexibility in the amount of supervision that is required based on the amount of clients that are seen week to week as this number also changes from week to week. She felt that the draft language was very clear because she works with mostly IMF's.

Phyllis Rately, LCSW for San Bernardino County of Behavioral Health, stated that they have an average of seventy to eighty pre licensed ASW's and IMF's and about forty supervisors. Unfortunately, some supervisors are not really sure what they are signing when they complete forms for pre licensed people and logs are necessary. Because ASW's and IMF's see on an average twenty-six clients per week, the agency has developed their own log to keep track of the supervision. She then stated that she did not support increasing the additional hour of supervision needed from ten to fifteen clients.

Bruce Hume, LCSW, suggested that language be added to state a one-hour minimum of supervision per week or one hour of supervision for every ten hours of psychotherapy, whichever occurs first. He indicated that staff in a hospital setting do not perform psychotherapy every week.

JanLee Wong, Executive Director of the National Association of Social Workers, expressed his appreciation to the Board and staff for attempting to resolve this problem with clarification of the law. It is difficult to not try to define settings when clarifying the language. He commented that in (a) (1) and (a) (3), the word "clinical" might make it necessary to define non-clinical. He thought that this language should be kept as simple as possible.

Ms. Esposito stated the reason that the words "psychosocial diagnosis" are included in the law is because the LCSW profession realized, for the purposes of legitimizing the profession, that diagnosis and treatment needed to be clearly identified in law. There was a lot of opposition from the psychiatry and psychology colleagues who finally agreed to these terms. She indicated that the word "clinical" further strengthens the profession and should be retained in the law. Additionally, these terms are necessary for LCSW's to compete in the marketplace and to receive reimbursement for insurance companies.

Dr. Stein asked Ms. Esposito to define the term "clinical." Ms. Esposito stated that LCSW's use this word to mean the practice of psychotherapeutic techniques.

Ms. Mehl stated that the license title for LCSW's reflected the term "clinical." She then asked the audience to send in all of their written comments in plenty of time to be part of the next Board meeting in January.

Steven Gibson, LCSW and representing the Los Angeles County Department of Children and Family Services, requested that in subsection (a) (3), the reference to the scope of practice as defined in 4996.9 be included.

Abby Franklin representing the California Society of Clinical Social Work, stated that the value of saying clinical underlines the professions focus and the content of the supervision.

Ms. Fields stated that this issue will continue to be discussed at the next meeting and again asked the audience for their written comments. She thanked the audience for their input.

4. DISCUSSION AND POSSIBLE ACTION REGARDING OBTAINING LEGISLATIVE AUTHORITY FOR SCHOOL APPROVAL

Ms. Mehl explained that the letter included in the meeting materials was provided to the Committee for their information. The letter notified the Bureau of Private Postsecondary and Vocational Education of the Board's possible intent to obtain approval authority for schools.

Alvin Ross from Ryokan College suggested that this approval process be for all schools, including accredited schools, not just those that are approved. He suggested that the legislation should include that an on site visit must include a designee by the Board.

Ms. Mehl explained that the Board's intent is to have some authority over the degrees that are offered and this is not meant to be authority for the complete approval process.

Ms. Fields asked that this discussion continue to be included on the agenda.

The meeting adjourned at 12:20 p.m.